

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO INC. SECURITIES LITIGATION : Case No. 07-MD-1902 (JSR)
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This Document Relates To:

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KENNETH M. KRYS, *et al.*, :
: :
Plaintiffs, :
: Case No. 08-cv-3065 (JSR)
- against - : Case No. 08-cv-3086 (JSR)
: :
CHRISTOPHER SUGRUE, *et al.*, :
: :
Defendants. :
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**DECLARATION OF MASON SIMPSON IN SUPPORT
OF PLAINTIFFS' RESPONSE TO THE SUPPLEMENTAL
MEMORANDUM OF LAW IN FURTHER SUPPORT OF THE THL
DEFENDANTS' MOTION TO DISMISS**

Mason C. Simpson declares as follows:

1. I am a member of the law firm Brown Rudnick LLP, co-counsel, with Beus Gilbert PLLC, for plaintiffs Kenneth M. Kryz, *et al.* ("Plaintiffs") in the above-captioned action. I am admitted to practice before this Court. I respectfully submit this declaration in support of Plaintiffs' Response to Supplemental Memorandum of Law in Further Support of the THL Defendants' Motion to Dismiss.

2. Attached hereto as Exhibit A is a true and correct copy of the Refco Chapter 11 Plan, dated December 14, 2006, in *In re Refco Inc., et al.*, 05-60006 (RDD) (Bankr. S.D.N.Y.).

3. Attached hereto as Exhibit B is a true and correct copy of Declaration of Marc S. Kirschner, dated March 1, 2011 in *In re Refco Capital Mkts., Ltd. Brokerage Customer Sec. Litig.*, 06-cv-00643 (GEL) (S.D.N.Y.).

4. Attached hereto as Exhibit C is a true and correct copy of the Class Action Complaint for Violations of Federal Securities Laws in *Global Mgmt. Worldwide Ltd. v. Bennett, et al.*, 06-cv-0643 (GEL) (S.D.N.Y.), dated January 26, 2006.

5. Attached hereto as Exhibit D is a true and correct copy of the First Amended Complaint in *Kirschner v. Thomas H. Lee Partners, L.P., et al.*, 07-cv-7074 (JSR) (S.D.N.Y.), dated December 2, 2009.

6. Attached hereto as Exhibit E is a true and correct copy of the Order, dated July 7, 2006, in *In re Refco Capital Mkts., Ltd. Brokerage Customer Sec. Litig.*, 06-cv-00643 (GEL) (S.D.N.Y.).

7. Attached hereto as Exhibit F is a true and correct copy of the Second Amended Consolidated Class Action Complaint, dated December 21, 2007, in *In re Refco Capital Mkts., Ltd. Brokerage Customer Sec. Litig.*, 06-cv-00643 (GEL) (S.D.N.Y.).

8. Attached hereto as Exhibit G is a true and correct copy of the Order, dated April 30, 2008, in *In re Refco Capital Mkts., Ltd. Brokerage Customer Sec. Litig.*, 06-cv-00643 (GEL) (S.D.N.Y.).

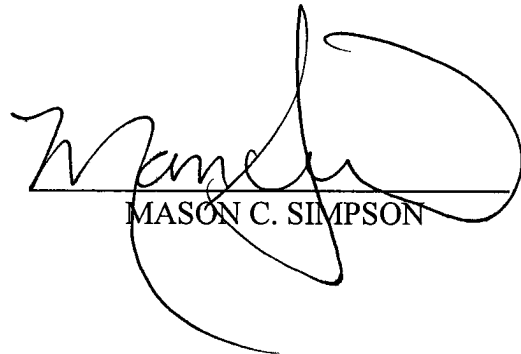
9. Attached hereto as Exhibit H is a true and correct copy of the Stipulation and Agreement of Settlement, dated February 28, 2011, in *In re Refco Capital Mkts., Ltd. Brokerage Customer Sec. Litig.*, 06-cv-00643 (GEL) (S.D.N.Y.).

10. Attached hereto as Exhibit I is a true and correct copy of the Stipulation and Order Regarding Withdrawal of (I) Claims Filed by Thomas H. Lee and Its Affiliates; and (II) Plan Administrators' Objection Thereto, dated August 24, 2001, in *In re Refco Inc., et al.*, 05-60006 (RDD) (Bankr. S.D.N.Y.).

11. Attached hereto as Exhibit J is a true and correct copy of the Lead Plaintiffs' Memorandum of Law in Support of Motion for (I) Preliminary Approval of a Settlement with the THL Defendants, (II) Preliminary Certification of Class for Purposes of Settlement, (III) Approval of Form and Manner of Notice, and (IV) Scheduling a Final Approval Hearing, dated March 2, 2011, in *In re Refco Capital Mkts., Ltd. Brokerage Customer Sec. Litig.*, 06-cv-00643 (GEL) (S.D.N.Y.).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 21, 2011



MASON C. SIMPSON